UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/293,326	04/16/1999	STEPHEN M. BLANDING	1650	4722

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EXAMINER
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ART UNIT	PAPER NUMBER
2192	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)	
	09/293,326	BLANDING ET AL.	
Office Action Summary	Examiner	Art Unit	
	Chuck O. Kendall	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 November 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>51-98</u> is/are pending in the application.

  4a) Of the above claim(s) <u>1-50</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>51-98</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>16 April 1999</u> is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

1.   This is in response to Applicant's amendment filed 11/28/05.

2.   Claims 51 – 98 are amended and still pending.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 50 – 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Delo et al. 6,418,554 B1 and Mishra et al USPN 6,389,589 B1 which is being

incorporated herein by reference as identified in Delo (Col.6, lines 55 to 65) in view of

Dennis et al. USPN 6,466,932 B1.

Regarding claim 50, Delo discloses in a network having software

implementations deployed therein, a method for determining a set of software

implementations to deploy to a client, comprising:

maintaining a plurality of group policies of which the client is a member, each

policy specifying at least one of a plurality of software implementations to apply to the

client (Delo, FIG. 4, 62, see group policy objects 1 –n);

maintaining precedence information at a network location indicative of

precedence relationships between software implementations (Delo, 5: 55 – 65), the

precedence information designating a precedence relationship between each of the

plurality of software implementations (14: 37 – 41, see recognize application with same

service extensions and prioritize them, Examiner interprets this to be equivalent to

precedence between software implementations) based on a group policy such that

when the client belongs to at least two groups (9:3 – 8, also see resolving conflict, policy

setting and Group policy, and also see prioritized order which is selected by the

application installer), the precedence information designates which of the at least two

groups has precedence (14:55 – 58, see install software implementations based on

component categories);

determining from the plurality of group policies at least one of the plurality of

software implementations to apply to the client (5: 55 – 65) based on the precedence

information (14: 37 – 41, also 9:3 – 8);

selecting a software implementation that is specified for deployment to the client

as a selected software implementation (Delo, 6: 55 – 65); and

determining from the precedence information whether the selected software

implementation has precedence over at least one other software implementation that is

also specified for deployment to the client, and if so, setting the selected software

implementation for deployment and deselecting the at least one other software

implementation (see Misra, 19: 1 – 5, which is incorporated by reference in Delo in 6:

50 – 55, also see MPEP, 2131.01).

Delo doesn't expressly disclose marking the specified hardware implementation

as a selected software implementation and unmarking the other software

implementations. However, Dennis in an analogous art and similar configuration

(Abstract and FIG.2) discloses group policy objects which are enforced and non

enforced through selection of blocking (9:5 – 25). Therefore it would have been obvious

to one of ordinary skill in the art at the time the invention was made to combine Delo

and Dennis because, being able to select or de-select would enable enforcing certain

objects and not enforcing others.

Regarding claim 51, the method of claim 50 wherein setting the selected

software implementation for deployment comprises setting the selected software

implementation for install (Delo, FIG. 4, 84a and 84b).

Regarding claim 52, the method of claim 51 wherein setting the selected

software implementation for install comprises including the software implementation in a

list of software implementations to install (Delo, FIG. 4, 86).

Regarding claim 53, the method of claim 50 further comprising installing the

selected software implementation (Delo, FIG. 10. 1004).

Regarding claim 54, the method of claim 50 further comprising advertising the

selected software implementation as available to the user for execution on a computer

system prior to actual installation of the software implementation on the computer

system (Delo, 6: 60 – 65).

Regarding claim 55, the method of claim 50 wherein deselecting comprises

setting the at least one other software implementation for uninstall (Delo, 26: 35 – 37).

Regarding claim 56, the method of claim 50 further comprising uninstalling the at

least one other software implementation (Delo, 16: 25 – 27, also lines 35 – 37).

Regarding claim 57, the method of claim 50 wherein deselecting comprises

removing the at least one other software implementation from the set of software

implementations to deploy (Mishra, FIG. 5b, 524).

Regarding claim 58, the method of claim 50 wherein the precedence information

indicative of precedence relationships between software implementations is maintained

in a class store of the network (Delo, 5: 55 – 65, see priority).

Regarding claim 59, the method of claim 50 wherein the class store is associated

with a group policy object provided for the client (Delo, FIG. 2, 70).

Regarding claim 60, the method of claim 50 wherein the precedence information,

indicative of precedence relationships between software implementations is maintained

in property values of software implementations (Delol, 5: 55 – 65, also incorportated by

reference is 09/134, 805).

Regarding claim 61, the method of claim 50 wherein the precedence information

indicative of precedence relationships between software implementations includes a

property value indicative of whether to replace or overlay another software

implementation (Misra, FIG. 5b, 532).

Regarding claim 62, the method of claim 50 wherein the client is a user, and wherein selecting a software implementation as a selected software implementation automatically occurs as part of a user logon (Delo, 8: 44).

Regarding claim 63, the method of claim 50 wherein the client is a user, and wherein selecting a software implementation as a selected software implementation occurs in response to a user request (Delo, 6: 60 – 67).

Regarding claim 64, the method of claim 50 wherein the client is a machine, and wherein selecting a software implementation as a selected software implementation automatically occurs when the machine connects to the network (Delo, 6: 60 – 67).

Regarding claim 65, the computer-readable medium version of claim 50, see rationale as previously discussed above.

Regarding claim 66, the method version of claim 50, see rationale as previously discussed above.

Regarding claim 67, the method of claim 66 wherein determining for at least one software implementation in the request to apply another software implementation to the client comprises setting the another software implementation for install when the another software implementation has precedence over the at least one software implementation (see Misra, 19: 1 – 5).

Regarding claim 68, the method of claim 67 further comprising installing the another software implementation (Delo, FIG. 14, 1406).

Regarding claim 69, the method of claim 68 wherein the installation is mandatory (Delo, FIG. 14, 1406).

Regarding claim 70, the method of claim 68 wherein the client is a user, and wherein installing the another software implementation is optional for that user (Delo, 6: 65 – 67).

Regarding claim 71, the method of claim 66 wherein determining for at least one software implementation in the request to apply another software implementation to the client comprises removing the at least one software implementation from a list of software implementations to install when the another software implementation has precedence over the at least one software implementation (see Misra, 19: 1 – 5, which is incorporated by reference in Delo in 6: 50 – 55, also see MPEP, 2131.01).

Regarding claim 72, the method of claim 71 further comprising installing the another software implementation, wherein installing the another software implementation overlays the at least one software implementation (Misra, FIG. 5b, 532).

Regarding claim 73, the method of claim 66 wherein determining for at least one software implementation in the request to apply another software implementation to the client comprises setting the at least one software implementation for uninstall when the another software implementation has precedence over the at least one software implementation (Misra, FIG. 5b, 524).

Regarding claim 74, the method of claim 73 further comprising uninstalling the at least one software implementation and installing the another software implementation (Delo, FIG. 14, 1406).

Regarding claim 75, the method of claim 66 further comprising specifying the precedence relationships for the groups of clients (Delo, 5: 55 – 65).

Regarding claim 76, the method of claim 75 wherein specifying the precedence relationships for the groups of clients comprises specifying a pilot group of clients that is small relative to a total number of clients of the network (Delo, 5: 55 – 65).

Regarding claim 77, the method of claim 76 wherein specifying the precedence relationships for the groups of clients comprises specifying a rollout group of clients that is relatively larger than the pilot group and smaller than the total number of clients of the network (Delo, 5: 55 – 65).

Regarding claim 78, the computer-readable medium version of claim 66, see rationale as previously discussed above.

Regarding claim 79, the computer implemented method version of claim 66, see rationale as previously discussed above.

Regarding claim 80, the method of claim 79 wherein the first software implementation is deployed to the client by installing the first software implementation on a computer system associated with the client (Delo, 5: 55 – 65).

Regarding claim 81, the method of claim 79 wherein the first software implementation is deployed to the client by including the software implementation in a list of software implementations to install on a computer system associated with the client (Delo, FIG. 2, 70).

Regarding claim 82, The method of claim 79 wherein the first software implementation is deployed to the client by advertising the selected software implementation as available to the user for execution on a computer system prior to

actual installation of the software implementation on the computer system (Delo, 6: 55 –

65).

Regarding claim 83, the method of claim 79 further comprising uninstalling the

second software implementation (Misra, FIG. 5b, 524).

Regarding claim 84, the method of claim 79 further comprising installing the first

software implementation and uninstalling the second software implementation (Misra,

FIG. 5b, 524).

Regarding claim 85, the method of claim 79 further comprising overlaying the

second software implementation while installing the first software implementation

(Misra, FIG. 5b, 532).

Regarding claim 86, the method of claim 79 wherein the first data, second data

and precedence information is accessed in response to a user logon (Delo, et seq.).

Regarding claim 87, the method of claim 79 wherein the first data, second data

and precedence information is accessed in response to a user request (Delo, 6: 55 –

65).

Regarding claim 88, the method of claim 79 wherein the first data, second data

and precedence information is accessed in response to a machine connecting to a

network (Delo, 8: 44 – 46, see logon).

Regarding claim 89, the method of claim 79 further comprising specifying the

precedence Information for a group of clients (Delo, 5: 55 – 65).

Regarding claim 90, the method of claim 89 wherein specifying the precedence information comprises selecting as the group of clients a pilot group that is small relative to a total number of clients of a network (Delo, 5: 55 – 65).

Regarding claim 91, the method of claim 90 wherein specifying the precedence information comprises selecting as the group of clients a rollout group of clients that is relatively larger than the pilot group and relatively smaller than the total number of clients of the network (Delo, 5: 55 – 65).

Regarding claim 92, the computer-readable medium version of claim 79, see rationale as previously discussed above.

Regarding claim 93, the computer implemented method version of claim 79, see rationale as previously discussed above.

Regarding claim 94, the method of claim 93 further comprising advertising the selected software implementation as available to the user for execution on the client prior to actual installation of the software implementation on the client (Delo, 6: 60 65).

Regarding claim 95,the method of claim 93 further comprising installing the selected software implementation on the client (Delo, FIG. 8, 804).

Regarding claim 96, the method of claim 93 further comprising uninstalling the other software implementation from the client (Misra, FIG. 5b, 524).

Regarding claim 97, the computer implemented method version of claim 50, see rationale as previously discussed above.

Regarding claim 98, the computer implemented method version of claim 79, see rationale as previously discussed above.

Response to Arguments

5.   Applicant's arguments with respect to claims 51 – 98 have been considered but are moot in view of the new ground(s) of rejection. Regarding newly added limitations see Dennis et al. USPN 6,466,932.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.

TUAN DAM
SUPERVISORY PATENT EXAMINER